



November 13, 2006

VIA U.P.S. OVERNIGHT

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NOV 14 2006

Part of  
Public Record

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**RE: Proposed Abandonment of the Stillwater Industrial Lead from  
Milepost 4.69 to Milepost 5.50, a distance of 0.81 miles in  
Washington County, Minnesota; STB Docket No. AB-33 (Sub-No.  
234X)**

Dear Mr. Williams:

Pursuant to the Board's exemption procedures for  
abandonment of rail lines with no local business for at least  
two years, (49 C.F.R. 1152.50), enclosed are an original and ten  
(10) copies of a verified Notice of Exemption, including a  
Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33  
(Sub-No. 234X). Enclosed is a credit authorization voucher in  
the amount of \$3,100.00 for the filing fee. Three (3) computer  
disks, in Word format, are included for the Board's use.

Sincerely yours,

**FILED**

NOV 14 2006

**SURFACE  
TRANSPORTATION BOARD**

Enclosures

**FEE RECEIVED**

NOV 14 2006

**SURFACE  
TRANSPORTATION BOARD**

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Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065



Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 234X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WASHINGTON COUNTY, MINNESOTA  
(STILLWATER INDUSTRIAL LEAD)

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**NOTICE OF EXEMPTION**

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

Dated: November 13, 2006  
Filed: November 14, 2006



Before the  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-33 (Sub-No. 234X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WASHINGTON COUNTY, MINNESOTA  
(STILLWATER INDUSTRIAL LEAD)

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**NOTICE OF EXEMPTION**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights, for an exempt abandonment of the Stillwater Industrial Lead from Milepost 4.69 to Milepost 5.50, a distance of 0.81 miles near Stillwater in Washington County, Minnesota (the "Line").

**Proposed Consummation Date: 49 C.F.R. § 1152.50 (d)(2)**

The abandonment is proposed to be consummated on or after January 2, 2007 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period. UP further certifies that there is no overhead traffic on the Line.



**Additional Information Required: 49 C.F.R. 1152.22(a)(1) (4), (7)-(8) and (e)(4)**

(a) General.

(a)(1) The railroads' exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the Line from Milepost 4.69 to Milepost 5.50, a distance of 0.81 miles near Stillwater. The Line is located in Washington County, Minnesota.

(a)(4) A map showing the location of the Line in conjunction with other rail lines, highways and major roads in the area is attached hereto as **Exhibit A** and hereby made a part hereof.

(a)(7) The representative to whom correspondence regarding this abandonment should be sent is:

Mack H. Shumate, Jr., Senior General Attorney  
Union Pacific Railroad Company  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

(a)(8) ZIP Code. The Line traverses U. S. Postal Service Zip Codes 55082 and 55083.

(e)(4) Rural and Community Impact. The Line was originally constructed by the St. Paul, Stillwater & Taylor Falls Railway in 1871. Today, the Line consists of 80-pound rail laid in 1906. The right-of-way is extremely variable in width from thirty (30) feet to seventy (70) feet and is all within the city limits of Stillwater. The topography is mostly level with some grade.



After abandonment, Stillwater and the adjacent community of Bayport will continue to receive rail service from Union Pacific, BNSF Railway, Minnesota Commercial Railway and Canadian Pacific Railway. Stillwater lies on the northeast edge of the Twin Cities metropolitan area about five (5) miles from the extensive Interstate network that serves the region. UP is unaware of any adverse effects on local and existing land use plans. The Washington County Supervisors' Office has been contacted. To date UP has received no response.

The property proposed for abandonment is not suitable for public purposes such as roads, highways or other forms of mass transportation, conservation, energy production or transmission, or recreation because the area is adequately served by existing roads and utility lines. The land underlying the right-of-way was sold to the City of Stillwater on December 15, 2000 with UP retaining an operating easement for ten (10) feet on either side of the centerline of track. There will be no increase in rail traffic, rail yard activity or truck traffic as a result of the proposed action.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line. No formal complaint regarding a cessation of service has been filed, is pending with the Board, or has been decided in favor of a complainant for well over two (2) years.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.



Any documentation so related to the Line, including real estate documentation relating to the Line in UP's possession, will be made available to those requesting it.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. -- Abandonment -- Goshen, 360 ICC 91 (1979).

### **Certifications**

Attached hereto as **Exhibit B** and hereby made a part hereof is a Certificate of Service and Publication pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

### **Environmental and Historic Report**

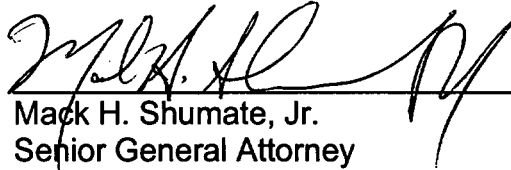
A copy of the Transmittal Letter of UP's Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached hereto as **Exhibit C** and hereby made a part hereof. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis (SEA), on May 15, 2006 and filed on May 16, 2006. The Combined Environmental and Historic Report indicates that the proposed abandonment does not involve historic properties or structures over fifty (50) years in age.

Dated this 13<sup>th</sup> day of November, 2006.



Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY



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Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive, Room 1920

Chicago, Illinois 60606

(312) 777-2055

(312) 777-2065 FAX



VERIFICATION

STATE OF NEBRASKA )

COUNTY OF DOUGLAS )


) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

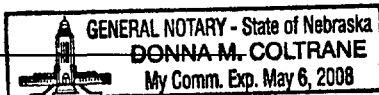
Dated at Omaha, Nebraska, this third day of August, 2006.

  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this third day of  
August, 2006.

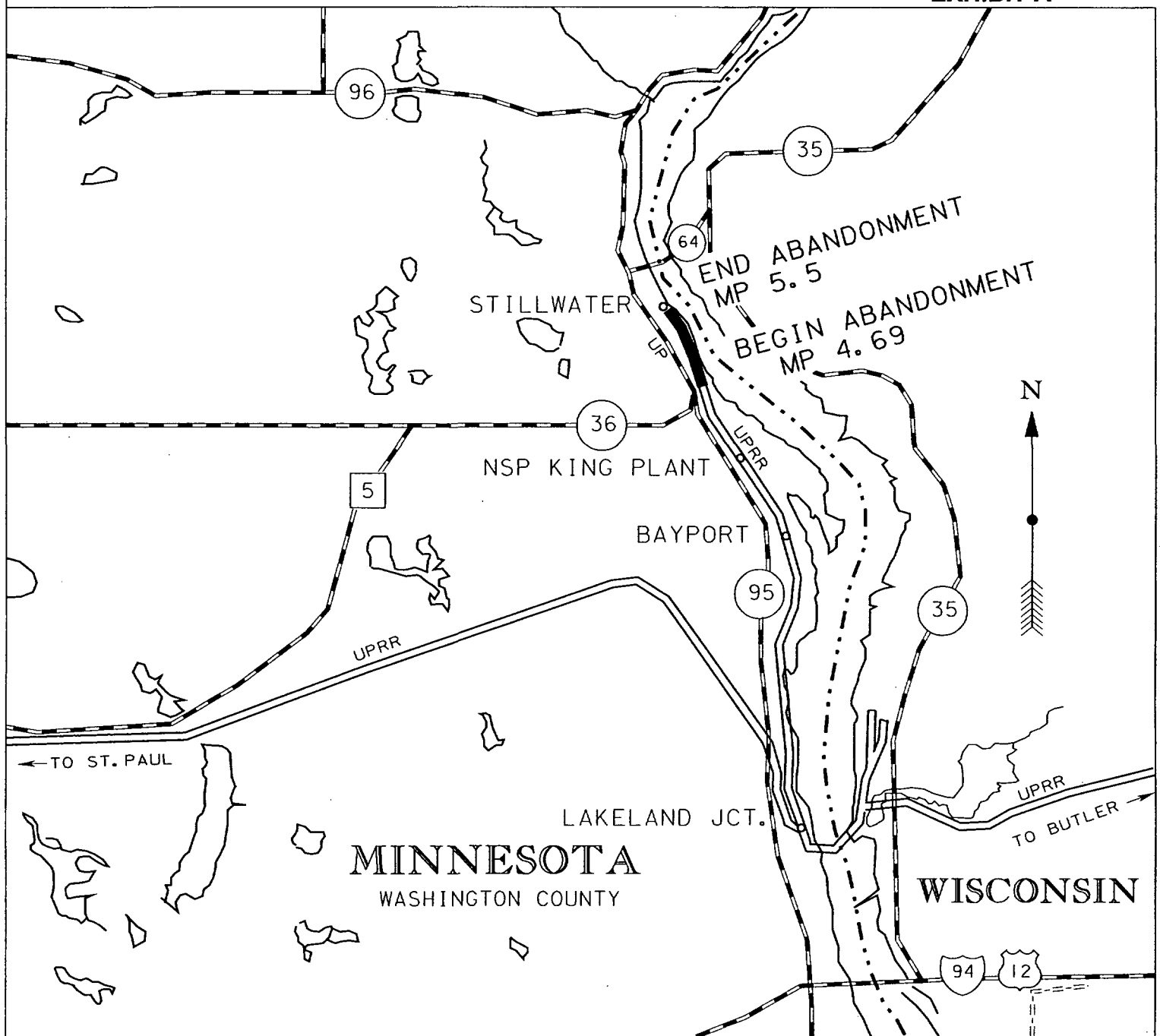
  
Notary Public

My Commission expires: \_\_\_\_\_



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THERE ARE NO 50 YEAR OLD STRUCTURES

STILLWATER INDUSTRIAL LEAD

MP 4.69 TO MP 5.5  
 BRANCH A TOTAL OF 0.81 MILES  
 IN WASHINGTON COUNTY, MINNESOTA

## LEGEND

- UPRR LINES TO BE ABANDONED
- OTHER UPRR LINES
- OTHER RAILROADS
- 50+ YEAR OLD STRUCTURES
- PRINCIPAL HIGHWAYS
- OTHER ROADS

STATION	MILE POST	AGENCY
NONE		NO

UNION PACIFIC RAILROAD CO.  
 STILLWATER INDUSTRIAL LEAD  
 INCL. 50+ YEAR OLD STRUCTURES

SCALE MILES



**DOCKET NO. AB-33 (SUB-NO. 234X)**  
**Stillwater Industrial Lead in Washington County, MN**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on November 2, 2006 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Stillwater Industrial Lead in Washington County, Minnesota in Docket No. AB-33 (Sub-No. 234X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Minnesota Planning  
658 Cedar Street  
Room 300  
St. Paul, MN 55155

National Park Service  
Midwest Region  
601 Riverfront Dr.  
Omaha, NE 68102

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor, N.W., Auditors Building  
14th St. & Independence Ave., SW  
Washington, DC 20250

Department of Defense  
Military Traffic Management Command  
Transportation Engr. Agency  
Railroads for National Defense Program  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2575

**49 C.F.R. § 1105.11 -**

The undersigned certifies that on May 16, 2006 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 234X) for abandonment of the Stillwater Industrial Lead in Washington County, Minnesota on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) State Coastal Zone Management Agency
- (4) Head of each County
- (5) U.S. Environmental Protection Agency (regional office)



- (6) U.S. Fish and Wildlife Service
- (7) U.S. Army Corps of Engineers
- (8) National Park Service
- (9) U.S. Natural Resources Conservation Service
- (10) The National Geodetic Survey
- (11) State Historic Preservation Office
- (12) Other Agencies Consulted (as listed)

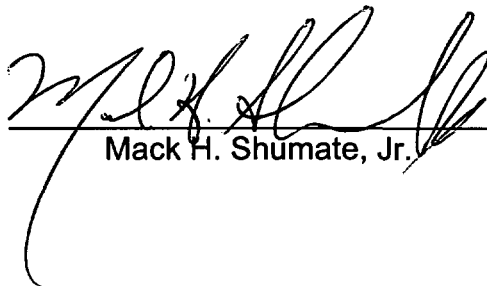
(The Certificate of Service attached to the Combined Environmental and Historic Report lists the names and addresses of the federal, state and local agencies served.

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon was published in the form prescribed by the Board for a Notice of Exemption. The notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Washington	<i>Stillwater Gazette</i>	November 7, 2006

Dated this 13<sup>th</sup> day of November, 2006.

  
Mack H. Shumate, Jr.





Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

May 15, 2006

**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**Attention:** Victoria Rutson

***Re: Proposed Abandonment of the Stillwater Industrial Lead from M. P. 4.69 to M. P. 5.50, a distance of 0.81 miles in Washington County, Minnesota; STB Docket No. AB-33 (Sub-No. 234X)***

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Notice of Exemption in this matter on or after June 5, 2006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over the word "Sincerely,".

Mack H. Shumate, Jr.

Enclosures

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